

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

STANLEY JOHNSON,

Plaintiff,

v.

JASON LEWIS,

Defendant.

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No. 1:19-CV-234 SRC

MEMORANDUM AND ORDER

On December 31, 2019, the Court ordered plaintiff to file an amended complaint on the court-provided form and, if plaintiff maintains a prison account at his place of incarceration, to file a certified copy of his prison account statement. ECF No. 4. The Court cautioned plaintiff that his failure to timely comply with the order would result in the dismissal of his case. Plaintiff's response was due by January 30, 2020.

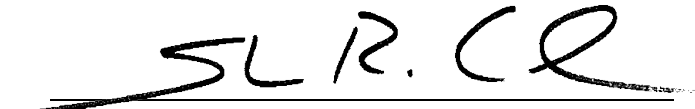
To date, plaintiff has neither responded to the Court's order, nor sought additional time to do so. Plaintiff was given meaningful notice of what was expected, he was cautioned that his case would be dismissed if he failed to timely comply, and he was given ample time to comply. The Court will therefore dismiss this action, without prejudice, due to plaintiff's failure to comply with the Court's December 31, 2019, order and his failure to prosecute his case. *See* Fed. R. Civ. P. 41(b); *see also Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (the authority of a court to dismiss *sua sponte* for lack of prosecution is inherent power governed "by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases"); *Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986) (a district court has the power to dismiss an action for the plaintiff's failure to comply with any court order).

Accordingly,

IT IS HEREBY ORDERED that this case is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.

IT IS HEREBY CERTIFIED that an appeal from this dismissal would not be taken in good faith.

Dated this 13th day of February, 2020.



STEPHEN R. CLARK
UNITED STATES DISTRICT JUDGE